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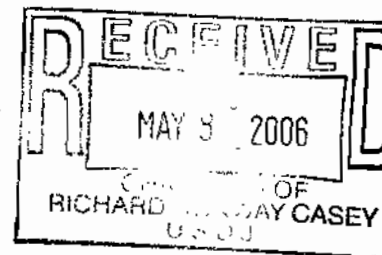
**MEMO ENDORSED**

May 8, 2006

VIA HAND DELIVERY

The Honorable Richard Conway Casey  
United States District Court Judge  
United States Courthouse  
500 Pearl Street  
Courtroom 14C  
New York, NY 10007

USDC SDNY  
DOCUMENT  
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Re: Merit Capital Group, LLC v. Trio Industries Management, LLC, et al.  
Case No. 04 CIV 7690 (RCC)

Dear Judge Casey:

My firm represents plaintiff Merit Capital Group, LLC and third-party defendants Alfred Salazar and Harvey Bloch (collectively, "Plaintiff"). With the consent of the Trio defendants and Robert Gyemant, I am writing to respectfully request that Plaintiff's time to oppose *pro se* defendant Evan Daniels' pending "novation" and "sanctions" motion, currently due on May 10, 2006, and the status conference scheduled for May 26, 2006, each be adjourned for 30 days.

At the last conference, Your Honor referred the parties to mediation, and directed that the litigants appear before Magistrate Judge Ellis in order to address certain outstanding discovery that we assert is owed by defendants. The mediation, previously scheduled for May 11, 2006, has been adjourned because Marc Rosen, the attorney handling this matter on behalf of Plaintiff, is leaving this firm and the case must be transitioned to a new lawyer. We will also be requesting that Magistrate Judge Ellis adjourn the pending discovery conference so that the new attorney will have a chance to familiarize himself or herself with the matter.

With regard to the status conference with Your Honor, we believe it would be more productive (if indeed it proves necessary at all) following the mediation process and resolution of the outstanding discovery issues, both of which will likely occur in June. With regard to the *pro se* defendant's "novation" and "sanctions" motion, Plaintiff has been unable to prepare timely opposition papers due to Mr. Rosen's imminent departure.

Counsel for the Trio defendants and defendant Robert Gyemant, David Frydman, Esq., has consented to this application (although he has requested that the status conference be scheduled after the weeks of June 12 and June 19). My office has repeatedly attempted to telephone and fax *pro se* defendant Evan Daniels, but all of his numbers appear to have been disconnected with no forwarding information provided.

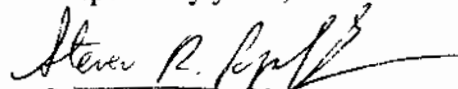
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Plaintiff has not before requested an extension in which to oppose Mr. Daniels' motion, and the parties have once before requested that this status conference be adjourned.

Your Honor's attention and consideration of this matter is greatly appreciated.

Respectfully yours,

  
Steven R. Popofsky

cc: David Frydman, Esq. (via hand delivery mail)  
Mr. Evan Daniels (via overnight mail to Texas)

The next status conference is  
hereby rescheduled from  
May 26, 2006 to Friday,  
July 7, 2006 at 10:30 AM.  
Mr. Daniels may appear at  
the July 7 conference  
via telephone. So ordered.



May 8, 2006